

EXHIBIT C



VIA ELECTRONIC MAIL

October 11, 2018

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RE: **Request under the Freedom of Information Act**
Fee Waiver Requested

Dear Sir or Madam:

This letter constitutes a request for records made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, on behalf of the members of the **San Francisco Immigrant Legal Defense Collaborative** -- consisting of **African Advocacy Network, Asian American Advancing Justice – Asian Law Caucus, Asian Pacific Islander Legal Outreach, Central American**

Community Resource Center, Center for Gender & Refugee Studies, Dolores Street Community Legal Services, Immigration Center for Women and Children, Immigrant Legal Resource Center, Justice & Diversity Center of The Bar Association of San Francisco, Kids in Need of Defense, La Raza Centro Legal, La Raza Community Resource Center, Legal Services for Children, Pangea Legal Services, and University of San Francisco Immigration and Deportation Defense Clinic - as well as Lawyers' Committee for Civil Rights of the San Francisco Bay Area (hereinafter "Requestors").

Request for Agency Records

The Requestors seek disclosure of records that were prepared, received, transmitted, collected and/or maintained by the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), and/or their components relating or referring to the information specified below.

The Requestors ask that any records that exist in electronic form be provided in electronic format on a compact disc, digital video disk, or equivalent electronic medium. Requestors ask that any documents stored in Portable Document Format ("PDFs") be provided as individual files in a searchable PDF format. Finally, Requestors ask that reasonable metadata be transmitted along with files, including but not limited to maintaining parent-child relationships between emails and their attachments, author information, as well as date and time stamp information. If any of the requested records or information are not kept in a succinct format, we request the opportunity to view the documents in your offices.

All requested records that are responsive may be provided with personally identifying details redacted. FOIA exempts information from disclosure if that disclosure would lead to an unwarranted invasion of privacy. 5 U.S.C. § 552(b)(6). Determination of this exemption requires a balancing of the public's interest in obtaining the information against any possible invasions of privacy which would result from disclosure. See, e.g., Wood v. FBI, 432 F.3d 78, 87-89 (2d Cir. 2005). The Supreme Court has held that this balancing act does not preclude the disclosure of military records when names and other private details are redacted. See Dep't of the Air Force v. Rose, 425 U.S. 352 (1976). Requestors expect the release of all segregable portions of otherwise exempt material. If, under applicable law, any of the information requested is considered exempt, please describe in detail the nature of the information withheld, the specific exemption or privilege upon which the information is withheld, and whether the portions of withheld documents containing non-exempt or non-privileged information have been provided.

Requestors seek the above records for the period between January 2017 and the date of the final response to this request. Please construe this as an ongoing FOIA request, so that until a proper and adequate search is conducted, any records that come within the possession of the agency prior to the final response be considered within the scope of this request.

Definitions

For the purpose of this request, please use the following definitions:

DHS refers to the “Department of Homeland Security,” and includes any office, program, or component of the agency, including but not limited to Citizenship and Immigration Services (“CIS” or “USCIS”), and local Asylum Offices.

The term “records,” as used herein, includes but is not limited to all records or communications preserved in electronic or written form, including but not limited to correspondence, documents, data, videotapes, audio tapes, faxes, files, e-mails, guidance, guidelines, evaluations, instructions, information analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training manuals, or studies.

The term “concerning” means referring or pertaining to, describing, evidencing, addressing, commenting on, responding to, showing, analyzing, reflecting, or constituting.

The term “information” refers to evidentiary information received directly from applicants in the form of testimony during interviews, or written responses on the Form I-589, requests for evidence, or other written evidence submitted by an applicant. The term “information” also includes information received from independent or indirect sources, including but not limited to statements about or by the applicant in the records of other U.S. government social service or law enforcement agencies, social media accounts, or other sources of information independent of the applicant.

The term “asylum” encompasses credible and reasonable fear determinations, and affirmative and defensive applications for protection under asylum, withholding of removal, and protection under the Convention Against Torture.

The term “asylum applicants” encompasses persons (adults and children, and principals and derivative applicants) seeking protection in the form of asylum, withholding of removal, and protection under the Convention Against Torture in the United States.

The term “gangs” refers to organized criminal groups or any definition DHS uses as part of its analysis of asylum applications, including but not limited to “an association of three or more individuals . . . whose members collectively identify themselves by adopting a group identity . . . whose purpose is to engage in criminal activity which uses violence or intimidation to further its criminal objectives . . . [or] whose members engage in criminal activity or acts of juvenile

delinquency that if committed by an adult would be crimes with the intent to enhance or preserve the association's power, reputation or economic resources.”¹

The term “gang indicators” refers to all evidentiary facts or factors that Asylum Officers consider, collect, or request from asylum applicants, other law enforcement agencies, or other sources, when determining whether an asylum applicant has ties to, or is a member of, or is related in some way, to a gang or other organized criminal group in their countries of origin, in the United States, or in a third country.

The term “Asylum Officers” refers to all employees of DHS who participate in credible and reasonable fear determinations, and the adjudication of applications for asylum, withholding of removal, and Convention Against Torture.

The term “gang databases” refers to gang information tracking systems that are used to track and share alleged gang affiliation and membership, including but not limited to GangNet, ICEGangs, the National Gang Intelligence Center (NGIC), CalGang, and other federal and state information tracking systems.

Records Requested

- A. Any and all policies, protocols, guidance, training materials, and communications by DHS regarding:
 - a. Which evidentiary facts or factors the Asylum Office should use as “gang indicators” to determine whether an asylum applicant has ties to, or is a member of, or is related in some way, to a gang or other organized criminal group in their countries of origin, in the United States, or in a third country.
 - b. Which evidentiary facts or factors the Asylum Office should use as “gang indicators” to determine whether an asylum applicant had past ties, memberships, or relationships to a gang or other organized criminal group in their countries of origin, in the United States, or in a third country.
 - c. How these gang indicators were selected or determined to be related to gang membership or participation.
 - d. How officers are to analyze conflicting, incomplete or inconclusive evidence with respect to gang indicators.
 - e. When and how asylum officers should question applicants or seek to collect information about gang indicators from applicants, and any written correspondence or requests for evidence that the Asylum Office may issue to applicants to collect such information.

¹ See Immigrant Legal Resource Center (ILRC), Practice Advisory: Understanding Allegations of Gang Membership/Affiliation in Immigration Cases (April 2017) at 3, citing National Institute of Justice, U.S. Department of Justice, What is a Gang? Definitions (Oct. 28, 2011), available at <http://www.nij.gov/topics/crime/gangs/pages/definitions.aspx>.

- f. The legal relevance of such indicators to the Asylum Office's determination of whether an applicant is eligible for asylum or other form of protection in the United States as a legal matter.
 - g. The legal relevance of such indicators to the Asylum Office's determination of whether an applicant is eligible for asylum or other form of protection in the United States in the exercise of discretion.
 - h. The weight that officers must give to the presence or absence of any of these factors in determining whether an applicant is eligible for asylum as a legal matter or in the exercise of discretion.
- B. Any and all policies, protocols, guidance, training materials, and communications used by DHS regarding gangs or organized crime in Central America and Mexico, or the presence and activities in the United States of Central American-affiliated or Mexican-affiliated gangs or organized crime, and how these groups and their activities should be analyzed as part of asylum claims.
- C. Any and all policies, protocols, guidance, training materials, and communications used by DHS regarding the use of gang databases in the adjudication of asylum claims, including but not limited to which databases are to be used, when such databases are to be checked during the application process, the disclosure to the applicant of any information received, the reliability and weight to be given to information obtained by such databases, and how any information received from such databases is considered in the adjudication of the asylum claim.

The Requestors

African Advocacy Network (AAN) is a San Francisco-based nonprofit founded in 2009 to serve the growing Diaspora of African and Afro-Caribbean immigrants. AAN provides immigration legal services (including removal defense), case management, and social integration services based on a unique Cultural Brokering model. AAN actively holds educational workshops on issues of importance for its clients and community members in Northern California.

Founded in 1972, **Asian Americans Advancing Justice – Asian Law Caucus (ALC)** is the nation's first legal and civil rights organization serving the low-income Asian Pacific American communities. ALC focuses on housing rights, immigration and immigrants' rights, labor and employment issues, student advocacy (ASPIRE), civil rights and hate violence, national security, and criminal justice reform. As a founding affiliate of Asian Americans Advancing Justice, the organization also helps to set national policies in affirmative action, voting rights, Census and language rights. Since the vast majority of Asians and Pacific Islanders in America are immigrants and refugees, ALC strives to create informed and educated communities empowered to assert their rights and to participate actively in American society. This perspective is reflected in its broad strategy which integrates the provision of legal services,

educational programs, community organizing initiatives and advocacy, especially in the areas of immigrant justice, racial equity, and immigrant justice.

Founded in 1975, **Asian Pacific Islander Legal Outreach (APILO)** is a community-based, social justice organization serving the Asian and Pacific Islander, and other communities of the Greater Bay Area. With offices in Oakland and San Francisco, its work is focused in the areas of violence against women/family law, immigration and immigrant rights, senior law and elder abuse prevention, the rights of those with disabilities, anti-human trafficking, youth violence prevention, affordable housing preservation and tenants' rights, and other social justice issues. Its mission is to provide culturally competent and linguistically appropriate legal representation, social services, and advocacy for the most marginalized segments of the community including low-income women, seniors, recent immigrants, and youth. Its diverse staff provides holistic legal, social, and educational services in more than a dozen languages.

Founded in 1986 by Salvadorans fleeing the Salvadoran Civil War, **Central American Resource Center (CARECEN)** was founded to address the needs of Salvadorans and other Central Americans who fled the region amid the civil wars, political repression, and counter-insurgencies of the 1980s. Today CARECEN is a multi-faceted community organization that empowers and responds to the needs, rights, and aspirations of Latino, immigrant, and under-resourced families in the Bay Area, building community leadership to pursue equity and justice. CARECEN advocates for immigrant rights, juvenile justice, and Latino health rights. CARECEN is committed to strengthening cultural, social, and historical ties to Central America and countries of origin. CARECEN's social services include the: Immigration Legal Program, Family Wellness, Health Promotion, and Community Building. CARECEN's legal team represents numerous Central American youth in their asylum claims before the Asylum Office.

The **Center for Gender & Refugee Studies (CGRS)**, housed at the University of California Hastings College of the Law, works to protect the fundamental human rights of refugees—with a focus on women and children—through litigation, scholarship, expert consultations, and the development of policy recommendations. Attorneys at CGRS include authors of scholarly books and law review articles regarding asylum, experts who advise other attorneys representing asylum seekers, and practicing attorneys who represent asylum seekers throughout the United States. CGRS conducts multiple national trainings each year, including both in-person and web-based trainings, and has published comprehensive studies documenting the procedures and treatment of women and child asylum seekers in the United States. Its reports, studies, and policy briefs are made available via publication in law journals or by academic and/or trade press, via distribution to email list-serves and individuals, and/or on its public website. Each year, CGRS provides technical assistance in over a thousand cases of asylum seekers, including many women and children from Central America or Mexico who have recently arrived in the United States. Its assistance in these cases typically includes the dissemination of relevant materials compiled and/or produced by CGRS. CGRS will make widely available to the public information requested through this FOIA via its website and/or by other means discussed above.

Dolores Street Community Services (DSCS) provides community outreach services and pro bono deportation defense to low-income immigrants. DSCS is a registered non-profit organization and an active participant in the San Francisco Immigrant Legal and Education Network (“SFILEN”), which supports immigrants and disseminates information to the public through trainings and workshops as well as published educational and informational materials. DSCS represents numerous detained and formerly detained individuals who are seeking protection from persecution and torture in their countries of origin, including Mexico and Central America, many of whom are either subject to the Intensive Supervision Appearance Program or Alternatives to Detention. DSCS represents clients both in the Asylum Office and before the Immigration Court.

Founded in 1979, the **Immigrant Legal Resource Center (ILRC)** is a national non-profit resource center that provides legal training, educational materials, publications, and advocacy support to immigrants and immigration legal services providers. ILRC provides particular expertise in the intersection of criminal and immigration law and the immigration consequences of criminal records, including allegations such as gang membership. ILRC regularly publishes and widely disseminates practice advisories, reports, and other legal materials, including analyses based on information obtained in FOIA requests. ILRC has previously filed FOIA requests with Immigration and Customs Enforcement that were used to publish detailed reports on immigration enforcement practices around the country, and which have been widely circulated in national and local media.

The **Immigration Center for Women and Children (ICWC)** is a non-profit legal organization providing affordable immigration services to underrepresented immigrants in California. ICWC strives to provide security and stability for children who are abused, abandoned or neglected and for immigrants who are victims of domestic violence, sexual assault and other violent crimes. ICWC has locations in three metropolitan areas of California to better serve underserved communities throughout the state. In 2004, ICWC opened its doors in Los Angeles. ICWC replicated its model, and launched its San Francisco office in 2010 and its San Diego office in 2012. Using U.S. federal legislation, ICWC provides immigration legal services (U and T Visas, VAWA, and SIJS) to immigrants who are victims of crimes. The resulting immigration benefits allow women to permanently leave their abusers and create safe environments for families. ICWC’s overall goal is to assist these victims of domestic violence, human trafficking, sexual assault, child abuse and other violent crimes in escaping abusive relationships, live in safety, and become self-sufficient.

The **Justice & Diversity Center of The Bar Association of San Francisco (JDC)** is one of the largest and most distinguished legal services providers in San Francisco. The mission of JDC’s Immigrant Legal Defense Program (ILDP) is to increase access to justice and protect the due process rights of low-income and unrepresented immigrants facing deportation by supporting non-profit and pro bono services. In particular, JDC serves as the legal lead of the San Francisco Immigrant Legal Defense Collaborative and provides service coordination, legal training, technical assistance, and advocacy support to the 14 other partner agencies, who collectively serve over 1000 children, adults, and families in removal proceedings before the San Francisco

Immigration Court. JDC also provides coordination, technical assistance, and other capacity-building services for two other immigration collaboratives in Northern California. JDC has also administered the Attorney of the Day Program at the San Francisco Immigration Court for over 30 years. Many of the immigrants that JDC serves through its various programs are asylum seekers from Central America and Mexico. The JDC shares its knowledge and expertise through trainings for immigration practitioners and the public, practice advisories for immigration attorneys, and other advocacy efforts, including educating federal legislators and the media.

Kids in Need of Defense (KIND) was founded by the Microsoft Corporation and UNHCR Special Envoy Angelina Jolie, and is the leading national organization that works to ensure that no refugee or immigrant child faces immigration court alone. KIND does this in partnership with over 556 law firms, corporate legal departments, law schools, and bar associations, which provide pro bono representation to unaccompanied children referred to KIND for assistance in their deportation proceedings. KIND has received more than 17,084 child referrals since opening its doors in 2009 and trained over 36,674 pro bono attorneys in the forms of potential relief: principally Special Immigrant Juvenile Status for abused, abandoned or neglected children and asylum for those fleeing persecution, primarily from El Salvador, Honduras, Guatemala and Mexico. KIND's attorneys and pro bono partners represent children before the Asylum Office and the immigration court. In response to the humanitarian crisis created by the Administration's family separation policies, KIND is providing pro bono legal assistance to families separated at the border. KIND also helps children returning to their home countries in the Northern Triangle, through deportation or voluntary departure, to do so safely and to reintegrate into their home communities. Through its reintegration pilot project in Guatemala, KIND places children with its local nongovernmental organization partners, which provide vital social services including family reunification, school enrollment, skills training, and counseling. KIND also advocates to change law, policy, and practices to improve the protection of unaccompanied children in the United States, and is working to build a stronger regional protection framework throughout Central America and Mexico. KIND educates policymakers, the media, and the broader public about the violence that is driving children out of the Northern Triangle and their need for protection. KIND's communication team updates partners and the public about policies and trends affecting unaccompanied immigrant and refugee children through social media, newsletters, press releases, reports, Congressional testimony and presentations.

La Raza Centro Legal (LRCL) is a community-based legal organization dedicated to empowering Latino, immigrant and low-income communities of San Francisco to advocate for their civil and human rights. LRCL combines legal services and advocacy to build grassroots power and alliances towards creating a movement for a just society. LRCL is a multicultural community social justice center based in the Mission District of San Francisco. Born out of the civil rights and Chicano movements of the 1960's and 1970's, LRCL was founded in 1973 by Latino law students to fill a gap in the availability of economically and culturally accessible legal services for the Bay Area's Latino population. LRCL's programs include immigration, labor, housing, and senior law. As part of its work with the SFILDC, LRCL represents unaccompanied children and adults with children before the San Francisco Immigration Court.

La Raza Community Resource Center (La Raza CRC) is a bilingual, multi-service, non-profit organization dedicated to meeting the social service, immigration, educational, and leadership development needs of low-income families and individuals in the San Francisco Bay Area immigrant community. La Raza CRC provides immigration legal services and wide-ranging social services including a food pantry, clothing exchange, family counseling, educational workshops, support groups, and civics and history classes. All services are free or low-cost. The organization partners with local nonprofits to provide community legal clinics and information sessions and maintains an extensive referral network. La Raza CRC's legal program is focused on affirmative family-based immigration services and removal defense. This program strengthens community legal access by hosting a weekly walk-in attorney consultation day. La Raza CRC also hosts public informational forums to provide the local immigrant community with updates about immigration law, and provides legal staff for media inquiries and for other community organizations' public presentations. La Raza CRC has served the community for over 40 years. A major component of La Raza CRC's Immigration Program is legal representation of asylum-seekers at the Asylum Office and at the Immigration Court. Most such clients are from Central America and Mexico.

Founded in 1968, the **Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR)** combines direct legal services, policy advocacy and impact litigation strategies to advance the rights of immigrants, refugees and communities of color. LCCR marshals the resources of the private bar to identify legal issues and address barriers to full inclusion in society for migrant, minority and low-income communities. In addition to defending immigrants' civil rights, a cornerstone of LCCR's work is its Asylum Program, now more than 30 years old, which pairs low-income asylum seekers with mentored pro bono counsel, who are trained and supported by LCCR in their representation of the individuals LCCR serves. Within the Asylum Program, LCCR represents unaccompanied minors, adults, and families, including single parents with children, in their quest for immigration relief. Many LCCR clients have fled persecution in Central America and Mexico. LCCR uses the results of Freedom of Information Act (FOIA) requests in order to represent our clients. Notably, LCCR secured a key ruling and settlement in Martins v. USCIS, 3:13-cv-00591 (N.D. Cal. 2013), a Freedom of Information Act (FOIA) case securing the right of asylum applicants and their attorneys to access Asylum Officers' interview notes from their cases. In granting LCCR clients' preliminary injunction, the Court agreed that such notes are not exempt from disclosure under FOIA. USCIS subsequently agreed in a nationwide settlement to release Asylum Officers' notes in response to FOIA requests from asylum seekers and/or their counsel.

Founded in 1975 as a nonprofit organization, **Legal Services for Children (LSC)** is one of the first non-profit law firms in the country dedicated to advancing the rights of youth. LSC's mission is to ensure that all children in the San Francisco Bay Area have an opportunity to be raised in a safe and stable environment with equal access to the services they need to become healthy and productive young adults. LSC's practice includes foster care, guardianship, education and immigration cases.

Pangea Legal Services is a nonprofit organization that provides low-cost and free legal services to low-income immigrants and asylum seekers at risk of deportation. Many of Pangea's clients are adults and children seeking asylum from Mexico and Central America, some of whom face allegations of gang affiliation. In addition to direct legal services, Pangea also advocates on behalf of the immigrant community through policy advocacy, education, and legal empowerment efforts. Pangea distributes a quarterly newsletter; has participated in national webinars, conferences, and international human rights forums; and has been featured in reports by Univision, Human Rights Watch, the Daily Law Journal, and The New Yorker.

The **University of San Francisco School of Law Immigration and Deportation Clinic** is one of the only clinics in the nation focused on representing unaccompanied alien children in their immigration cases. It represents children from all over California, who fall within the jurisdiction of the San Francisco Immigration Court, in their asylum and special immigrant juvenile status cases. In addition to providing pro bono legal services to children, it also represents San Francisco families who are recent arrivals in the United States and are currently in removal proceedings.

Limitation or Waiver of Search and Review Fees

Requestors ask that the agency waive all fees associated with this FOIA request. Such a waiver is warranted because disclosure of the information is "...likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); see also 6 C.F.R. § 5.11(k) (records furnished without charge or at a reduced rate if the information is in the public interest, and disclosure is not in commercial interest of institution). In addition, the Requestors have the ability to widely disseminate the requested information. See Judicial Watch v. Rossotti, 326 F.3d 1309 (D.C. Cir. 2003) (finding a fee waiver appropriate when the requestor explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received).

a. Disclosure of the Information Is in the Public Interest

In the past three years, the President and federal administration officials have made numerous public statements implying that children and adults from Central America and Mexico, who are fleeing violence and seeking protection in the United States, may be members of gangs and organized crime, are raising frivolous claims for protection and are dangers to the community in the United States.² These beliefs are contrary to many studies and have never been

² See e.g., Statement by President Trump on June 16, 2015 ("When Mexico sends its people, they're not sending their best. ... They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."), available at: "Full text: Donald Trump announces a presidential bid," The Washington Post (June 16, 2015); Statement by Attorney General Jeff

substantiated.³ Nevertheless, as a result of these beliefs, the administration has enacted a number of policies to reduce the number of asylum seekers that are permitted to enter the United States from Southern border points of entry,⁴ has sought to increase the use and duration of detention that such asylum seekers from these countries face upon entering the United States,⁵ and has sought to change the law applied to many of their typical claims.⁶

Sessions on April 28, 2017 (“This exclusive network [MS-13] smuggles gang members across the border and the gangs know if they come as unaccompanied minors, the country will transport them wherever they want to go...This is how we are, and gang members know this is how it works...”), available at <https://nypost.com/2017/04/28/sessions-to-ms-13-gang-we-are-coming-after-you/https://www.cnn.com/2018/04/06/politics/trump-mexico-rapists/index.html>. See also “Young Migrants: Victims of Gangs or Members of Them?” (May 1, 2018), available at <https://www.nytimes.com/2018/05/01/us/immigration-minors-children.html>; ILRC, Deportation by Any Means Necessary: How Immigration Officials are Labeling Immigrant Youth as Gang Members (2018), available at <https://www.ilrc.org/deportation-by-any-means-necessary>.

³ See e.g., American Immigration Council (AIC), Understanding the Central American Refugee Crisis: Why They are Fleeing and How U.S. Policies are Failing to Deter Them (February 2016), available at <https://www.americanimmigrationcouncil.org/research/understanding-central-american-refugee-crisis>; CGRS, Universidad Nacional De Lanus, et al., Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges (2015), available at <https://cgrs.uchastings.edu/publications>; AIC, A Guide to Children Arriving at the Border: Laws, Policies, and Responses (June 2015), available at <https://www.americanimmigrationcouncil.org/research/guide-children-arriving-border-laws-policies-and-responses>; AIC, No Childhood Here: Why Central American Children are Fleeing Their Homes (July 2014), available at <https://www.americanimmigrationcouncil.org/research/no-childhood-here-why-central-american-children-are-fleeing-their-homes>; CGRS, KIND, A Treacherous Journey: Child Migrants Navigating the U.S. Immigration System (2014), available at <https://cgrs.uchastings.edu/publications>.

⁴ See, e.g., Al Otro Lado, Inc. v. Duke, No. 2:17-cv-05111-JFW (JPRx) (C.D. Cal. filed July 12, 2017) (class action lawsuit challenging Customs and Border Protection’s unlawful practice of turning away asylum seekers who present themselves at ports of entry along the U.S.-Mexico border).

⁵ See, e.g., Proposed Rule, 83 FR 45486, 45486-45534 (Sept. 7, 2018) (notice of proposed rulemaking to amend regulations related to the apprehension, processing, care, custody, and release of undocumented juveniles and would terminate the Flores Settlement Agreement. The rule would create an “alternative” to the existing licensed program requirement for family residential centers, including the ability to detain family units together during the entirety of their immigration proceedings); Padilla v. ICE, No. 2:18-cv-928 MJP (W.D. Wash. filed June 25, 2018) (challenges the practice of keeping asylum seekers in custody for weeks or months without access to credible fear interviews or bond hearings and the lack of basic procedural protections in bond hearings, as well as whether asylum seekers must bear the burden of proof in bond proceedings).

Notably, there has not been no official statement by DHS, CIS or the San Francisco Asylum Office that, as part of these policy changes, there has been an official change in the treatment or methodology applied to the adjudication of these asylum claims at the Asylum Offices for those asylum seekers who are able to enter the United States and are entitled to a full and fair hearing before they are removed from the United States.

However, Requestors and other advocates have noticed significant changes in the adjudication process for these types of claims. Advocates have noticed an increase in questioning and investigatory efforts relating to gang membership during the application process by CIS and local Asylum Offices, including the San Francisco and Anaheim Asylum Offices, even in cases that raise no gang-related issues other than the applicant being a national from a Central American country or Mexico. It therefore appears that there is or has been an undisclosed change in practice and policy in the handling of such cases by CIS and the Asylum offices within the United States.

Disclosure of the requested information will contribute significantly to public understanding of this issue by requiring the government to publicly disclose how gang-related issues are currently being considered as part of the adjudication of Central American and Mexican cases, and if there have been any changes to the operations and activities related to the processing and treatment of these claims. Such information is of great public interest and importance given that, without public disclosure of policy changes, the public, applicants, and advocates remain unaware of the government's specific concerns and any new methodologies being applied, and cannot adequately prepare to address those concerns during the application process. In addition, any misassumptions, errors, or discrimination contained in the new policies also cannot be challenged or addressed unless the policies are themselves publically acknowledged and explained. Given that the U.S. commitment to protection is based not only in domestic law, but also international law and obligations, it is critical that the United States applies its asylum law equally and fairly. Thus, a better understanding of current asylum policies is critically important to assist attorneys, asylum seekers, and the general public in understanding how the U.S. government treats Central American or Mexican nationals, and other nationals, who seek safe haven in our country.

As discussed below, Requestors have the capacity, intent and demonstrated ability to disseminate the requested information to a broad cross-section of the public. Requestors are all non-profit or educational organizations established to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, and protect the legal rights of noncitizens. Each Requestor researches issues related to immigration, and regularly provides information to local and state government officials in Northern California and in Washington D.C., the media, pro bono attorneys and volunteers, and the general public. Each Requestor works with other immigrants' rights organizations and

⁶ See, e.g., Matter of A-B-, 27 I.&N. Dec. 316 (A.G. 2018); Grace v. Sessions, No. 18-cv-1853 EGS (D. DC filed Aug. 9, 2018).

immigration attorneys across California and the United States to advance the fair administration of our immigration laws. Furthermore, some Requestors have synthesized and disseminated information from prior FOIA requests to facilitate the sharing of this information with a broad public audience. See e.g., CGRS, available at <https://cgrs.uchastings.edu/rocket-docket-FOIA-response>; ILRC, available at <https://www.ilrc.org/immigrant-legal-resource-center-v-department-homeland-security>.

Requestors will analyze and post the information obtained through this FOIA request on their publicly accessible websites. If the responsive information is voluminous, Requestors also will publish a summary analysis of such information and will disseminate that summary through their established networks. Finally, Requestors have regular contact with national print and news media and plans to share information gleaned from FOIA disclosures with interested media.

b. Disclosure of the Information Is Not Primarily in the Commercial Interest of Requestors

Requestors are all not-for-profit or educational organizations. We seek the requested information for the purpose of disseminating it to members of the public who have access to our public website and other free publications, and not for the purpose of commercial gain.

Conclusion

We look forward to your reply to the records request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(I). Please contact Avantika Shastri or Christine Lin with any questions. Please supply all records to:

Avantika Shastri
Justice & Diversity Center of The Bar Association of San Francisco
301 Battery Street, Third Floor
San Francisco, CA 94111

If this request is denied in whole or in part, please justify all redactions by reference to specific FOIA exemptions. Please specify the search that was undertaken to locate records responsive to this request. We expect the government to release all reasonably segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or deny a waiver of fees.

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Thank you for your consideration and prompt attention to this request.

Sincerely,

s/Avantika Shastri

Avantika Shastri

Legal Director, San Francisco Immigrant Legal Defense Collaborative

Assistant Director, Immigrant Legal Defense Program

Justice & Diversity Center of The Bar Association of San Francisco

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s/Christine Lin

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